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Attorneys for Plaintiffs  
HUMBOLDT BAYKEEPER, and  
ECOLOGICAL RIGHTS FOUNDATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HUMBOLDT BAYKEEPER, a program of  
Ecological Rights Foundation, and ECOLOGICAL  
RIGHTS FOUNDATION, a non-profit  
corporation,

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY, a  
Delaware corporation, and NORTH COAST  
RAILROAD AUTHORITY, a state agency,

Defendants.

Civil Case No.: C 06-02560 JSW

**STIPULATION TO MODIFY  
BRIEFING SCHEDULE ON CUE VI'S  
MOTION TO INTERVENE;  
[PROPOSED] ORDER  
DENYING AS MOOT**

Date: March 16, 2007

Time: 9:00 AM

Place: Courtroom 2, 17th Floor

Judge: Jeffrey S. White

Plaintiffs' Statement

Humboldt Baykeeper, and Ecological Rights Foundation (hereinafter "Plaintiffs") make the following statement. CUE VI filed a motion to intervene on December 22, 2006. The hearing date for the motion to intervene was set for March 16, 2007, thus Plaintiffs' brief in opposition was to be due on or before February 23, 2007 and CUE VI's reply brief was to be due on or before March 2, 2007. On January 3, 2007, this Court issued an expedited briefing schedule on CUE VI's motion to intervene. The Court ordered that Plaintiffs' briefs in opposition be filed by January 17, 2007 and that CUE VI's reply brief be filed by January 24, 2007. In its order, the Court invited the Parties to modify the briefing schedule if necessary upon a showing of good cause. Lead counsel for Plaintiffs, Ms. Layne Friedrich, is out of the country from January 8, 2007 until January 19, 2007 and thus will be unable to participate in briefing the motion to intervene prior to the date requested by the Court. Plaintiffs believe that it is appropriate to modify the briefing schedule such that lead counsel for Plaintiffs will be available to review and finalize Plaintiffs' brief in opposition to CUE VI's motion to intervene. The Parties have conferred on a mutually acceptable briefing schedule for the motion to intervene and now agree to modify the briefing schedule as stipulated below.

CUE VI's Statement

Plaintiffs have requested additional time to respond to CUE VI's motion to intervene. In a spirit of cooperation, CUE VI has agreed to stipulate to additional time.

Stipulation

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties and CUE VI, subject to the Court's approval, that:

1. The briefing schedule for CUE VI's motion to intervene will be as follows:
  - a. Plaintiffs' Opposition Brief will be due on January 24, 2007.
  - b. CUE VI's Reply Brief will be due on January 31, 2007.

Dated: January 16, 2007

Respectfully submitted,  
/s/ Drevet Hunt  
 Drevet Hunt  
 Lawyers For Clean Water, Inc.  
 Attorney for Plaintiffs

/s/ Lawrence S. Bazel

Lawrence S. Bazel  
Briscoe Ivester & Bazel LLP  
Attorney for Union Pacific Railroad Company

/s/ Lawrence S. Bazel

Lawrence S. Bazel  
Briscoe Ivester & Bazel LLP  
Attorney for CUE VI, LLC

/s/ Christopher Neary

Christopher Neary  
Attorney for North Coast Railroad Authority

I, Drevet Hunt, attest that the content of this document is acceptable to all persons required to sign this document.

Dated: January 16, 2007

/s/ Drevet Hunt

Drevet Hunt  
Lawyers For Clean Water, Inc.  
Attorney for Plaintiffs

~~[PROPOSED]~~ ORDER

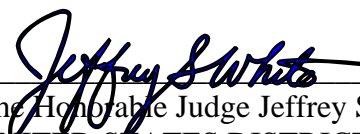
~~Based on the foregoing, and good cause appearing therefore, the Court orders that Plaintiffs shall file any briefs in opposition to CUE VI's motion to intervene by January 24, 2007.~~

~~CUE VI shall file its reply brief by January 31, 2007.~~

The Court DENIES the Stipulation as MOOT.

~~PURSUANT TO STIPULATION, IT IS SO ORDERED:~~

Date: January 18, 2007

  
The Honorable Judge Jeffrey S. White  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA